

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

United States of America

Action No.: 5:10-CR-00025-01

-vs-

Date: 9/24/2010

Judge: B Waugh Crigler

Don Francis Simonpietri

Court Reporter: M Bottiglieri, FTR

**LIST OF WITNESSES**

Attorney

Attorney

Ron Huber

Andrea Harris

**PLAINTIFF/GOVERNMENT:**

**DEFENDANT:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**PROCEEDINGS:**

Defendant present with counsel

Defense counsel offers proffer to court as to plans for release and addresses issues in pretrial services report from probation officer; addressing residence, not a threat to society, not flight risk, not trying to cause himself harm, mental health visits from psychiatrist while incarcerated, the animals at residence, firearms being removed. Suggests unsecured bond as defendant has no funds available for corporate surety bond, or posting of property. Court will not entertain an unsecured bond, but will consider property or corporate surety.

Government address court with regards to no objections to defense counsel's proposed plan, has a few restrictions it would ask the Court to consider before release to include no access to potential witnesses, not be around any firearms, not have access to flea market in which he had regularly attended.

Court reviews assessments for property; Court will take the 54.55 acre tax assessment and will accept that property to be posted as a \$200,000 property bond. Court will request some type of letter from attorney or from title agency regarding said property. Court has advised defendant of violations of any conditions of release will forfeit said property to the government in the amount of \$200,000.

Court reviews conditions which include; maintain employment; associations as set by pretrial services; US Attorney is to provide a list to defendant and pretrial as to whom defendant should have no contact with; no destructive devices or firearms; not be in proximity of either as directed by pretrial services, not possess illegally controlled substances; cooperate in medical assessments with CVRJ psychiatrist or psychiatrist of defense counsel's choice; court must obtain report from such; not to attend flea market; will have curfew as set by pretrial services. Defendant is to be released when pretrial services approves residence has been secured of animals and firearms have been removed.

Court directs that defendant will have 10 days upon release to retain counsel. Attorney status hearing is set for October 5, 2010 at 9:30 am in Harrisonburg. Defendant remanded to custody of USMS.

Order will follow; defendant to be released upon clearance of pretrial services.

Deputy Clerk - Michele Bottiglieri

Time 9:34 - 10:12 (38 minutes)